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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,184	05/17/2005	Teruo Hitosugi	271652US3PCT	2377
22850 7590 07/23/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER DEMEREE, CHRISTOPHER R				
ART UNIT 3782		PAPER NUMBER		
NOTIFICATION DATE 07/23/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

# Office Action Summary

**Application No.**

10/535,184

**Applicant(s)**

HITOSUGI, TERUO

**Examiner**

CHRISTOPHER DEMEREE

**Art Unit**

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 April 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5-7 and 10-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,3,5-7 and 10-22 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 24 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

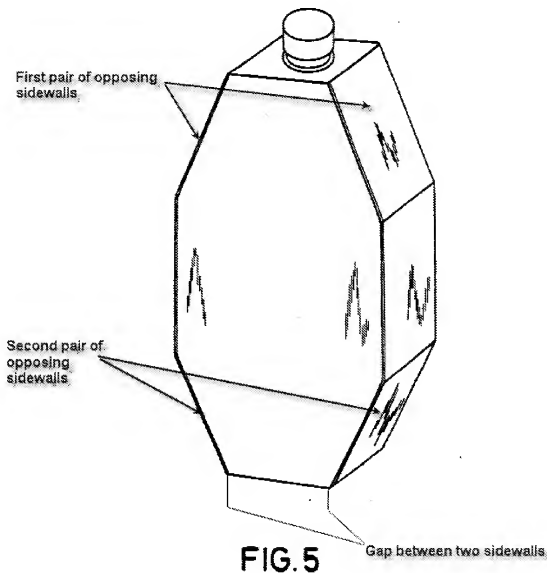
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Heuberger et al. (US 5147062 A; hereinafter Heuberger).

Regarding claims 1 and 3, Heuberger teaches a paper pack container with internal bag for receiving fluids which comprises a flexible region and is capable of discharging fluidity contents for image formation when placed into a container loading part of an image forming apparatus, the container storage box comprising sidewall faces which prevent deformation of the deformable container during storage, wherein said sidewall faces are configured to regulate a configuration of the deformable container in a configuration accommodated in the container loading part wherein the container storage box comprises a plurality of sidewall faces, at least two opposing ones of the plurality of sidewall faces regulating the configuration of the container and fixing a position of the container by contact-surface resistance with the container during storage, and wherein a first pair of said at least two opposing sidewall faces not being parallel to each other, and a gap between the first pair of said at least two opposing sidewall faces is gradually tapered, and a second pair of said at least two opposing

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sidewall faces not being parallel to each other, and a gap between the second pair of said at least two opposing sidewall faces is gradually tapered (see illustration below).



Regarding claim 5, Heuberger teaches a container wherein the container storage box comprises an opening face which is different from the plurality of sidewall faces and located at one of sides of said at least two opposing sidewall faces where a gap is

larger than at the other side of said at least two opposing sidewall faces (see Fig. 5). Examiner notes that the gap between the opposing sidewalls is greater at the midpoint of the container compared to the ends of the container.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heuberger in view of Guidera (US 6241147 B1).

Regarding claims 6, 7 and 13, Heuberger teaches everything except an insertable lid piece that is foldable to open or close. Guidera teaches a container for holding cosmetics comprising a tongue-shaped lid piece (62) which is foldable to open or close via a hinged fold line (66) and is inserted beneath a cutout edge (46) in the closed configuration (see Fig. 4). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Heuberger's container to include a lid piece in order to provide a means to selectively open and/or close the container (Guidera; Col 2 lines 39-40).

4. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heuberger.

Regarding claim 10, Heuberger discloses the claimed invention except for teaching that one end of the container comprises a smaller "face" than that of the

opposing end. It would have been an obvious matter of design choice to make one end “face” smaller than the opposing end “face”, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Regarding claim 11, Heuberger, as modified above, teaches a container wherein the small-area face is located in the middle of a sheet material which is produced when the container is disassembled (3; see Fig. 1A).

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heuberger in view of Sylvester et al. (US 6209781 B1; hereinafter Sylvester).

Regarding claim 12, Heuberger teaches everything except a projection at a side of a sidewall face. Sylvester teaches a disposable, foldable container comprising projections (112a-b) at a side of a face (104). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Heuberger's container to include projections at the periphery of a sidewall face in order to provide a construction that locks the end in place (Sylvester; Col 5 lines 25-35).

6. Claims 14-16, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heuberger in view of Katsuyama (US 6519436 B2).

Regarding claims 14-16, Heuberger teaches everything except indication, or instructions, about the contents of the container. Katsuyama teaches a toner powder container comprising an indication (89), or instructions, about the use of the container (Col 8; lines 1-6). It would have been obvious to one of ordinary skill in the art

at the time of applicant's invention to modify Heuberger's container to include instructions on any number of the panels to instruct a user on how to disassemble said container as taught by Katsuyama.

Regarding claim 20, Heuberger teaches a container comprising rounded surfaces (see Fig. 6), but lacks teaching a box comprising partial lamination. Katsuyama teaches a toner powder container comprising a laminate of flexible sheets (Col 5 lines 19-25). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Heuberger's container to include partial lamination in order to better mate the inner toner bag with the mouth of the container storage box (Katsuyama '436; lines 14-19).

Regarding claim 22, Heuberger teaches everything except that the container is used as a toner storage container. Katsuyama teaches a container for storing toner (see Abstract). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use Heuberger's fluid container as a toner storage container, as taught by Katsuyama.

7. Claims 17-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heuberger Lloyd et al. (US 6253993 B1; hereinafter Lloyd).

Regarding claims 17 and 18, Heuberger teaches everything except perforations provided on the sheet material of the container that allow the assembly of said container. Lloyd teaches a container wherein the blank for forming the container is provided with numerous perforations to facilitate folding of said container without compromising the integrity of said container (Col 10 lines 24-36). It would have been

obvious to one of ordinary skill in the art at the time of applicant's invention to modify Heuberger's container to include perforations for the fold lines in order to facilitate the construction of the container as taught by Lloyd.

Regarding claims 19 and 21, Heuberger teaches everything except that the container storage box is made a corrugated cardboard material (examiner considers corrugated cardboard to be generally shock resistant). Lloyd teaches a container fabricated from cardboard, paperboard, corrugated paperboard or the like (Col 1 lines 10-15). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to fabricate Heuberger's container out of corrugated cardboard because of the material's durability and cost effectiveness (Lloyd; Col 1 lines 16-20).

### ***Response to Arguments***

6. Applicant's arguments, see Pages 9 and 10, filed 4/24/2008, with respect to the rejection(s) of claim(s) 1-5, 8-12 and 22 under USC 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hauberger.

7. Applicant's arguments with respect to claims 1-5, 8-12 and 22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER DEMEREE whose telephone number is (571)270-1982. The examiner can normally be reached on Mon-Fri, 8:00 AM-5:00PM, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Demeree/  
Examiner, Art Unit 3782

/Nathan J. Newhouse/  
Supervisory Patent Examiner, Art Unit 3782